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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,141	03/24/2004	Kang Soo Seo	1740-000092/US	2764

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EXAMINER	
WENDMAGEGN, GIRUMSEW	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
01/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/807,141	SEO ET AL.	
	Examiner	Art Unit	
	Girumsew Wendmagegn	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim1-9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim1 recites a recording medium having a data structure and it is non-statutory subject matter.

Data structures not claimed as embodied in computer readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed.

Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim2-9 is also rejected because of the dependency on rejected claim1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1-4, 6, 8-15, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Murase et al (Patent No US 6,185,365).

Regarding claim1,10-11, Murase et al (hereinafter Murase) anticipates a recording medium having a data structure for managing reproduction of multi-path video data recorded on the recording medium, comprising: a data area storing the multi-path video data (see figure4B and column10 line61-65); and a management information area storing title management information to assign a plurality of titles to the multi-path video data, wherein: the title management information includes at least one title block that is composed of an entry title and at least one non-entry title (see figure 34 A block

c134); and the titles pertaining to the title block are associated with mutually different reproduction paths (column10 line61-67).

Regarding claim2, Murase anticipates the recording medium of claim1, wherein each of the titles has type information to identify whether it is entry title or not (see figure 34 A -C).

Regarding claim3, Murase anticipates the recording medium of claim 2, wherein titles not pertaining to the title block are specified to entry titles by the type information (see figure 34 A-C).

Regarding claim4,6, Murase anticipates the recording medium of claim1, wherein the titles pertaining to the title block are regarded as a single title when title jump is conducted and title selection menu is displayed (column10 line61-67, since different version managed together the title set (title block) would be treated as single title).

Regarding claim8, Murase anticipates the recording medium of claim1, wherein each of the titles has information to access a playlist (PGC) including at least one playitem that points to a part of the multi-path video data (see figure 34A and B; column37 line27-52).

Regarding claim9, Murase anticipates the recording medium of claim1, wherein the title management information includes title selection menu data or information to access title selection menu data (see figure32 and 33 menu).

Regarding claim12,17, Murase anticipates an apparatus for reproducing a data structure for managing reproduction of multi-path video data recorded on a recording medium, comprising: a drive for driving an optical reproducing device to reproduce data recorded on the recording medium (see figure24 element 83); a decoder for presenting the reproduced data (see figure 24 element 85); and a controller for controls the drive to reproduce title management information from a management information area on the recording medium and the multi-path video data from a data area on the recording medium based on the title management information (see figure24 element 93), wherein: the title management information includes at least one title block that is composed of an entry title and at least one non-entry title (see figure 34A block c134); and the titles pertaining to the title block are associated with mutually different reproduction paths (see column10 line 61-67).

Regarding claim13,14,18, Murase anticipates the method of claim 12, wherein the titles pertaining to the title block are regarded as a single title when title jump is conducted and title selection menu is displayed (column10 line61-67, since different version managed together the title set (title block) would be treated as single title).

Regarding claim15, 19 Murase anticipates the method of claim 13, further comprising the step of displaying one title menu item for all titles pertaining to the title block when a title selection menu is outputted (see figure32, 33 , menu).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim5, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al (Patent No US 6,185,365)

Regarding claim5, 16, 20, see the teaching of Murase above. Murase does not teach selecting from the title block within a predetermined time; a video data section associated with a title in the title block specified to an entry title is reproduced. However, it is old and well known in the art to reproduce from the start after predetermined waiting time. Thefore official notice is taken.

One ordinary skill in the art at the time the invention was made would have been motivated to incorporate old and well known method of start reproducing after predetermined waiting time in Murase system because it would make the presentation much effective.

Claim7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al (Patent No US 6,185,365) as applied to claim1-6,8-20 above, and further in view of Nonomura et al (Patent No US 5,915,067).

Regarding claim7, see the teaching of Murase above. Murase does not teach the different reproduction paths are assigned to different parental levels respectively. However Nonomura et al (hereinafter Nonomura) teaches the different reproduction paths are assigned to different parental levels (see figure7-8 and column12 line 65-column13 line 1-7).

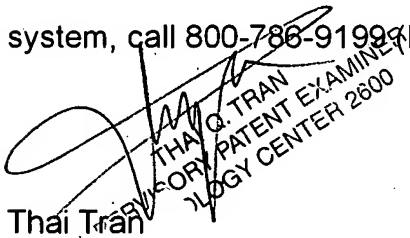
One of ordinary skill in the art at the time the invention was made would have been motivated to make "different versions of same movie" of Murase to be a different parental levels as in Nonomura because it would increase the mediums capacity by reducing the control information (Nonomura column4 line 6-14).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thai Tran

Girumsew Wendmagegn

Supervisory Patent Examiner